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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,159	12/31/2003	Junji Yoshida	247099US8CONT	6965

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EXAMINER

RODRIGUEZ, ARMANDO

ART UNIT	PAPER NUMBER
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2828

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/748,159

Applicant(s)

YOSHIDA ET AL.

Examiner

ARMANDO RODRIGUEZ

Art Unit

2828

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-62 is/are pending in the application.
- 4a) Of the above claim(s) 24-33, 45-48, 57 and 58 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 43, 44, 55, 56 and 62 is/are allowed.
- 6) ☒ Claim(s) 34, 35, 38-42, 49-54 and 59-61 is/are rejected.
- 7) ☒ Claim(s) 36 and 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4-28-05, 1-24-05, 12-31-03</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of claims 24-33, 45-48, 57, 58 in the reply filed on March 27, 2006 is acknowledged. The traversal is on the ground(s) that the examination of the claims does not place a serious burden on the examiner. This is not found persuasive because all three species are mutually exclusive, thereby will require three separate searches and will place a serious burden on the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claims 24-33, 45-48, 57, 58 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 27, 2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 34, 35, 38-42, 49-54, 59-61 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsukiji et al (US 6,782,028).

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Regarding claim 34, 35

Figure 8 (c) illustrates a semiconductor laser having first and second stripe regions each having a diffraction grating (75), which provide different wavelengths as described in column 25 lines 15-30.

Regarding claims 38, 39, 40, 41, 42,

Figure 8 (c) illustrates a semiconductor laser having first and second stripe regions each having a diffraction grating (75), which provide different wavelengths as described in column 25 lines 15-30. Column 25 lines 24-26 discloses the wavelengths deviate between 0.1 nm to 3 nm, where figure 16 describes the mode spacing as 0.1 nm.

Regarding claims 49, 50, 51, 52,, 53, 54,

Figure 8 (c) illustrates a semiconductor laser having first and second stripe regions each having a diffraction grating (75), which provide different wavelengths as described in column 25 lines 15-30. Column 25 lines 24-26 discloses the wavelengths deviate between 0.1 nm to 3 nm, where figure 16 describes the mode spacing as 0.1 nm. Figure 1 illustrate the semiconductor laser including a lens (4), a polarization rotator

(6), a polarization combiner (7) and an optical fiber (8) as described in column 6 lines 11-67.

Regarding claims 59-61,

Figure 8 (c) illustrates a semiconductor laser having first and second stripe regions each having a diffraction grating (75), which provide different wavelengths as described in column 25 lines 15-30. Column 25 lines 24-26 discloses the wavelengths deviate between 0.1 nm to 3 nm, where figure 16 describes the mode spacing as 0.1 nm. Figure 33 illustrates the semiconductor laser including the Raman amplifier.

Allowable Subject Matter

Claims 36, 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 43, 44, 55, 56, 62 are allowed.

The following is an examiner's statement of reasons for allowance:

None of the cited prior arts alone or in combination discloses the claimed invention having the structural combination of independent claims 43, 55, 62 in particular the wavelength difference between the first and second laser beam, where all the oscillation longitudinal modes of intensity not more than 3 dB below the peak power.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARMANDO RODRIGUEZ whose telephone number is 571-272-1952. The examiner can normally be reached on 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MINSUN HARVEY can be reached on 571-272-1835. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


ARMANDO RODRIGUEZ
Primary Examiner
Art Unit 2828

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